

**Application No.: 10/789,526**  
**Filing Date.: February 26, 2004**

## **REMARKS**

Without acquiescing to the propriety of the Examiner's rejections, and solely in the interest of advancing prosecution, Applicants have amended claims 4, 9, 20, 22-23, 46, 68, 70 and 73 to clarify the claims. Applicants submit that the claim amendments do not add any new matter.

### 35 U.S.C. § 112, second paragraph – Indefiniteness

The Examiner has rejected claims 4-7, 9, 20-23, 46-47, 60, and 68-73 under 35 U.S.C. § 112, second paragraph, as being indefinite for various reasons.

The Examiner has rejected claim 4 as indefinite, stating that it is unclear if the compound is limited to an oligonucleotide, or if the compound further comprises an oligonucleotide, and that dependent claims 5-7 and 9 are thus rendered indefinite as well. To clarify the claim, Applicants have amended claim 4 to recite "wherein said compound is an oligonucleotide." To clarify the claim, Applicants have amended claim 9 to depend from claim 1.

The Examiner rejects claims 20-23 over recitation of "further comprising," stating that claim 20 is indefinite because it is not clear if the recited limitations are part of the compound of claim 1, or an additional part of the claimed compound. To clarify the claim, Applicants have amended claim 20 to recite "The compound according to claim 1 wherein said compound comprises...."

The Examiner rejects claims 46-47 and 60 over recitation of "further comprising," stating that it is not clear if the recited limitations refer to the portion of the compound comprising SEQ ID NO:19, or are intended to be a separate sequence. To clarify the claim, Applicants have amended claim 46 to recite "The compound of claim 1, wherein said compound is an antisense oligonucleotide comprising the nucleobase sequence of SEQ ID NO: 19, wherein said antisense oligonucleotide comprises a ten deoxynucleotide region...."

The Examiner rejects claims 68-69 over recitation of "further comprising," stating that it is not clear if the recited structures are part of the original compound or if the additional regions read beyond the structure of the original molecule. To clarify the claim, Applicants have amended claim 68 to recite "The compound of claim 67, wherein said compound comprises: a region of deoxynucleotides...."

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Finally, the Examiner rejects claims 70-73 over recitation of “further comprising,” stating that it is unclear what the exact sequence composition of the recited limitations are. To clarify the claim, Applicants have amended claim 70 to recite “A compound comprising a modified oligonucleotide consisting of 20 linked nucleosides and having a nucleobase sequence consisting of the nucleobase sequence recited in SEQ ID NO: 19, wherein said modified oligonucleotide consists of....” To clarify the claim, Applicants have amended claim 73 to recite “The compound of claim 1, wherein said compound comprises: a region of deoxynucleotides....”

Without acquiescing to the propriety of the Examiner’s rejections, and solely in the interest of advancing prosecution, Applicants have amended the claims in an attempt to address the Examiner’s concerns. In view of the amendments, Applicants request that the rejections of the claims under 35 U.S.C. § 112, second paragraph, as indefinite be withdrawn.

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**Patents/Applications of Assignee**

Applicants wish to draw the Examiner’s attention to the following patents/applications assigned to the assignee of the present application.

<b>Serial Number</b>	<b>Title</b>	<b>Filed</b>
10/927,466	MODULATION OF GROWTH HORMONE RECEPTOR EXPRESSION AND INSULIN-LIKE GROWTH FACTOR EXPRESSION	08/25/2004

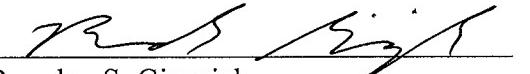
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Applicants submit that the present application is in condition for allowance and respectfully requests an action to that effect. If any issues remain, the Examiner is invited to contact Applicants' counsel at the number provided below in order to resolve such issues promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/7/08

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